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Customer Number

24024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679



Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

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GROUP 3600

Dear Sir:

Applicants, through their attorneys, hereby Petition the Commissioner to withdrawn the holding of abandonment for the above-identified application. A Notice of Abandonment was mailed by the Office on January 7, 2004 indicating the application was abandoned for failure to reply to an Office Action dated June 23, 2003. Applicants request withdrawal of the holding of abandonment based on the non-receipt of the Office Action. Furthermore, Applicants have yet to receive the Office Action dated June 23, 2003, and as such, requests that the Office resend the Office Action, resetting the due date for response.

In support of this petition, applicants present herewith:

- (1) a statement of facts;
- (2) a copy of the Notice of Abandonment dated January 7, 2004; and
- (3) a copy of the Revocation of Power of Attorney and Appointment of New Attorney.

If any additional fee is due with this petition, please charge our Deposit Account Number 03-0172.

Respectfully submitted,

Douglas B. McKnight
Reg. No. 50,447

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Typed or Printed name of person signing this certificate:

Sheri Yaneff

Sheri Yaneff



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PATENT

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**STATEMENT OF FACT IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Dear Sir:

Abandonment of the above-identified application for failure to timely respond to the Office Action dated June 23, 2003 was unavoidable as Applicant have not received the Office Action. Below is a detailed statement of facts that outlines the history of this application and the unavoidable abandonment thereof. As such, Applicants submit that a response to the Office Action could not have been submitted and that the holding of abandonment should be withdrawn.

The present application was filed February 12, 2001 and assigned serial number 09/780,536. A first Office Action was mailed on September 24, 2002. In response to the Office Action, a Response To the Office Action was mailed on March 24, 2003. On May 20, 2002 an Executed Revocation of Power of Attorney and Appointment of New Attorney was mailed to the Patent Office. The return receipt postcard was stamped by the Office of Initial Patent Examination on May 31, 2002 and returned to our offices. Unbeknownst to Applicants or their new attorneys, a second Office Action was mailed by the Patent

Office on June 23, 2002. Neither Applicants nor their attorney have received the Office Action as the second Office Action was mailed to the prior counsel. This set of facts was reviewed with the Examiner on January 5, 2004 - see the attached Interview Summary. Applicants still do not have a copy of the second Office Action.

Since Applicants are not in receipt of the second Office Action, Applicants hereby petition to have the holding of abandonment of this application withdrawn. Applicants have provided this statement of facts as proof of the circumstances that lead to the unavoidable abandonment of this application. Applicants request the re-mailing of the second Office Action and a resetting of the response due date. Applicant would be more than willing to produce any further information or documentation that the Patent Office deems necessary to support the enclosed petition.

Respectfully submitted,



Douglas B. McKnight
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